

Council ExecutiveOn 25th July 2006

Report title: Executive Response to the Report of the Scrutiny Committee of Mobile Phone Mast Policy

Report of: Director of Environment

Ward(s) affected; All

Report for; Key Decision

1. Purpose

- 1.1 To set out the Executive's response to the Report of the Scrutiny Review of Mobile Phone Mast Policy.

2. Introduction by Executive Member:

- 2.1 In the light of continued public concern about the proliferation of Mobile Phone masts, and continued pressure from Mobile Phone Operators for additional installations to meet growing demand, it is very timely that the Scrutiny Committee has looked at the way the Council approaches these issues, primarily via the planning application process.
- 2.2 The Scrutiny Committee has recognised that the Council's ability to oppose all proposals for additional Mobile phone masts is limited, because of Government advice as set out in Planning Guidance Note No. 8, on Telecommunications. This advice supports the growth of the Telecommunications Network in principle, and provides a nationwide framework for a precautionary approach to considering health concerns; it discourages local planning authorities from implementing their own precautionary policies e.g. by way of imposing a ban or moratorium on new equipment or prescribing minimum distances.
- 2.3 Concurrent with the Review, the Planning Service has organised a Mast Register of sites in the Borough, on a ward basis; with this more comprehensive data base, and with greater awareness of the underlying concerns about the number of masts proposed in particular areas, as well as the consultation process, the service feels better able to come to informed decisions on Mast proposals.

3. Recommendations

- 3.1 That the Executive agree the response.
- 3.2 That the individual Recommendations are actioned by the relevant officers in the Environment Directorate, or in two cases, by the Director of Finance or the District Valuer.

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4. Executive summary

- 4.1 The Executive welcomes the report of the Scrutiny Review on Mobile Phone Policy.
- 4.2 The Scrutiny Review concentrated on:-
Concerns of residents about the number of Mast proposals coming forward.
The factors, including Government Planning Guidance, which restrict the grounds on which such proposals can be refused.
The processes of consultation by the Planning Service, and by the Mast Operators before they submit applications.
The provision of adequate information about the number and location of Mobile Phone masts.
- 4.3 15 Recommendations were made and this Report details the Executive response.

5. Reasons for any change in policy or for new policy development

- 5.1 There are no changes in Policy as such but a number of refinements to procedural or processing matters, to improve Information and consultation.

6. Access to information:

Local Government (Access to Information) Act 1985

6.1 Background documents:

Scrutiny Review – Mobile Phone Mast.
PPG-8 – Telecommunications: Issued by Office of Deputy Prime Minister 2001.

7. Background

- 7.1 There is ongoing public concern about the number of proposals for Mobile Phone Masts being put forward in the Borough of Haringey; this is particularly expressed in letters and sometimes petitions objecting to planning applications for new Telecommunications Equipment.
- 7.2 At the same time there is pressure from the Mast operators, partly in response to continued public demand (there are estimated to be at least 40 million mobile phone users in the country), and partly due to constantly changing technology (in particular the roll-out of the '3G' network).

- 7.3 Government Planning Advice sets out a national approach to consideration of perceived health risks from Mobile Phone masts, and discourages local authorities from setting up exclusion zones or having a moratorium on any additional installations.
- 7.4 Nevertheless, within existing policy and practice, the Planning Service has in recent years taken a harder line where possible in refusing additional masts on grounds of visual intrusion (for example, in 2005 only 4 out of 19 applications were granted, whereas in 2002 11 out of 16 were approved); where it would be difficult to justify refusal, the Council tries to have the antennae screened or hidden in some way.
- 7.5 Operators do have the right of appeal to the Planning Inspectorate where refused; since the Scrutiny Report was written, there has been an increase in the number of appeals (probably the operators response to the increased number of refusals), and Inspector's have allowed 3 masts in the last three months.
- 7.6 The Executive welcomes the report of the Scrutiny Committee; of the recommendations, 13 are agreed and some of these represent work already in progress; four will involve the actions of Departments or agencies outside of the Planning Service.

8. Response to Recommendations;

(Note; these are numbered in the order given in the Executive Summary of the Scrutiny Committee Report)

Government

- (7) Government to be requested to make all proposals for new Mobile phone base stations subject of full planning applications as opposed to the prior notification procedure.

Supported; the current procedures of 'Prior Notification' for masts less than 15m high, outside of Conservation Areas, are confusing for the public and do not mean any less work for Local Planning Authorities than if they were full applications.

Timescale; Government department to be written to by 15 September 2006.

Operators

- (1) Operators to supply evidence of cell coverage etc. to justify need.

Supported; most operators already do this.

- (9) Operators to produce information on Beam of greatest intensity.

Supported; this will give greater information to residents.

Timescale; to be requested on proposals from 1 October onwards.

[Note; this can only be a request; failure to supply cannot be a reason for refusal].

- (10) Operators to develop better visual screening of antennae

Supported; this is largely done already.

Operators and executive

- (2) To hold Annual Roll-out meetings with Operators.

Supported.

Timescale; hold by 15 October and thereafter annually.

- (3) Meeting with interested groups after meeting with operators;

- (4)

Supported.

Timescale; within 6 weeks of meeting with operators.

Executive

- (5) Site notices for all applications for Mobile Phone Base stations;

Supported; although it must be recognised that this is not a statutory requirement and it will have resource implications for Planning staff.

Timescale; from 1 October 2006.

- (6) Introducing a consultation radius of 100m. for all Mobile Phone base station applications.

Support, it must however be appreciated that

A. decisions have to be based on solid planning reasons, not simply on the number of letters of response that can be submitted (Government advice in PPS1).

B. the amount of consultation already carried out on masts is quite substantial; and
a 100m. radius for mobile phone masts will mean that new masts will get greater consultation than for say. a new block of three-storey apartments or new houses in the same location.

Timescale; from October 2006.

- (8) Planning Service to respond on Prior Approval by fax and post by 56th. Day.

Supported; already being carried out.

- (11) Decision on whether to approve 'lamp-post swap' types of installation in principle.

Support; subject to restriction on height and consideration of detailed siting.

- (12) Maintain Mast Register.

Support: Mast Register is prepared on Ward basis

Timetable; availability on web-site should be possible by September.

- (13) Ask Radio Communications Agency to monitor site for emission levels.

Support subject to resources/budget being available.

Timetable; request by October.

- (14) Ask District Valuer to assess /collect business rates.

Support; request by September.

- (15) Ensure Finance Service collects all rate and rent etc.

Support; request by October.

- (5) Operators to comply with their Ten Commitments.

Support.

9. Comments of Head of Legal Services:

'The Legal issues are adequately summarised in the Scrutiny Review Report. Agreeing the recommendations is supported and would assist the Council in complying with its duties as Planning Authority'.

10. Comments of the Director of Finance

- 10.1 The implementation of the recommendations of the Scrutiny Panel have minimal resource implications and these can be contained within existing approved budgets for Planning Services.

- 10.2 Recommendation 14 is to ask the District Valuer to assess mobile phone sites for business rates. This will be undertaken by the Council's Business Rates Section, who may already be collecting business rates from sites that have previously been assessed. Recommendation 15 concerns potential rental from mobile phone sites. Where mobile phone masts/dishes/antennae are on Council property, they would normally be subject to a rental charge which would be collected by Property Services. The Planning Service should liaise with Property Services to ensure that rent is being collected from all appropriate sites.

10. Equalities Implications:

There is no evidence that the use of mobile phones is particularly beneficial to any particular sector or group of the population; the recommendations of the Scrutiny Committee are not considered to have any specific equalities implications.